

REMARKS

Claims 1-24 are pending and at issue in the application with claims 1, 7, 12, 13 and 19 being independent claims. Claims 7, 13 and 19 have been amended. As a result, 5 independent claims now exist in the application as compared to the 3 independent claims previously paid for, and 24 total claims exist in the application as previously paid for. A check in the amount of \$400.00 has been enclosed to cover the fee for consideration of 2 additional independent claims. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claims 7-11, 13-17 and 19-24 were indicated as allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. The applicants thank the Examiner for the indicated allowance and have amended claims 7, 13 and 19 accordingly. As such, the applicants respectfully submit that claims 7-11, 13-17 and 19-24 are allowable.

Turning now to the prior art rejections, the applicants respectfully traverse the rejection of claims 1-6, 12 and 18 as unpatentable over PRIOR ART (identified as Fig. 4 of the application) in view of Kaeriyama et al. (U.S. Patent No. 6,150,214). Independent claims 1 recites a semiconductor device and independent claim 12 recites a method of fabricating a semiconductor device that includes octagonally or circularly shaped lower electrodes of capacitors formed within a predetermined interval to be respectively connected with capacitor plugs in one to one correspondence.

The applicants respectfully submit that independent claims 1-6, 12 and 18 are not anticipated or rendered obvious over the PRIOR ART in view of Kaeriyama et al. The Office action has not made out a *prima facie* case of obviousness. Neither the PRIOR ART nor Kaeriyama et al. disclose or suggest a semiconductor device or method of fabricating a semiconductor device as recited in claims 1-6, 12 and 18, because the combination of the PRIOR ART in view of Kaeriyama et al. fails to disclose all of the limitations of independent claims 1 and 12.

In particular, the Office action admits that the PRIOR ART does not disclose that each lower electrode is circularly shaped. Likewise, Kaeriyama et al. does not disclose that each lower electrode is circularly shaped. Kaeriyama et al. disclose a DRAM integrated memory circuit 30 that includes capacitors as storage cells formed by polysilicon plates 16, 18 and a dielectric 17. As seen in Fig. 4, the plates 16, 18 are primarily square-shaped with rounded corners. As such, the plates 16, 18 are not circularly-shaped lower electrodes as recited in claims 1-6, 12 and 18.

The applicants further submit that the action does not establish a *prima facie* case of obviousness because the action does not point to disclosure that would suggest or motivate one of ordinary skill in the art to combine the references. In particular, one of ordinary skill in the art would not be motivated to combine the PRIOR ART and Kaeriyama et al. based on reduction of critical dimensions of active elements to increase the functionality and performance of an integrated circuit as mentioned by Kaeriyama et al. Kaeriyama et al. merely disclose that a reduction in the critical dimensions of active elements such as transistors and interconnections increases the functionality and performance of conventional integrated circuits. Kaeriyama et al. does not attribute the reduction in critical dimensions of active elements to the plates 16, 18, or to the shape of the plates 16, 18. As a result, the reduction of critical dimensions of active elements mentioned by Kaeriyama et al. is an insufficient motivation to use the plates 16, 18 of Kaeriyama et al., and neither the PRIOR ART nor Kaeriyama et al. provide any suggestion or motivation to combine their respective disclosures.

Accordingly, the applicants respectfully submit that amended independent claims 7, 13 and 19, and independent claims 1 and 12 are novel and non-obvious in view of the cited references and should be allowed. Further, dependent claims 2-6, 8-11, 14-18 and 20-24, which are dependent on the aforementioned independent claims, are also submitted to be in allowable form. In light of the foregoing, the prompt issuance of a notice of allowance is respectfully solicited. Should the examiner have any questions, the examiner is respectfully invited to telephone the undersigned.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300

By: _____

Aaron M. Peters
Registration No.: 48,801
Attorney for Applicants

September 28, 2005